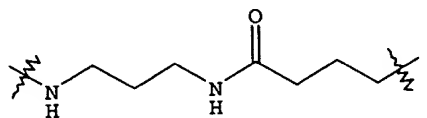


Election in Response to Restriction Requirement

Applicants hereby elect, with traverse, the claims of Group I (i.e., claims 63-80) and the species in which A is Geldanamycin, the spacer moiety (i.e., B₁-B₂) has the structure



and X is L-cysteine. The elected species reads on compound claims 63-68, 71 and 72. In regard to the election, Applicants respectfully submit that the claims of Groups II-V or, at the very least, Group II (i.e., claims 81-91), should be examined with the claims of Group I for the reasons set forth below.

Discussion of the Restriction Requirement

This application is a U.S. national stage application based on the international application PCT/US99/16199. Under PCT Rule 13 (37 C.F.R. § 1.475), a group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. See, e.g., M.P.E.P. § 1893.03(d). The expression "special technical features" is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art. *Id.*

The pending claims of the present invention, as amended, are linked so as to form a single general inventive concept. In other words, the pending claims have in common a special technical feature, which defines the contribution that each claim makes over the prior art. For example, all of the pending claims are directed towards water-insoluble drugs that have been rendered soluble in water. Given the special technical feature common to all of the claims, a search for prior art with respect to any one of the groups would likely uncover references that would be considered by the Examiner during the examination of the other groups. More specifically, the nature of the claims is such that references considered by the Examiner with respect to the claims of Group I would almost certainly be considered by the Examiner with respect to the claims of Group II inasmuch as claims 81-91 of Group II are directed to a method of preparing compounds of claims 63-80 of Group I. In this regard, Applicants point out that the Office admits that claims directed to a method of preparing compounds are considered to form a single inventive concept with claims directed to the compounds, themselves, and related composition and methods of use (see Office Action at page 3, second paragraph). Furthermore, the fact that the subject matter of Group II substantially overlaps with the subject matter of Group I is at least *prima facie* evidence that there would be no undue

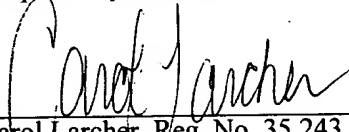
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burden on the Examiner to examine the claims of at least Groups I and II together. This does not mean that the claims necessarily stand and fall together, but the overlapping relevance of references remains and mitigates against the restriction requirement.

Conclusion

Under the circumstances, Applicants request the withdrawal of the restriction requirement, in whole or in part, and consideration of other of the pending claims in addition to those of elected Group I. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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Dated: June 28, 2002

CERTIFICATE OF MAILING

I hereby certify that this RESPONSE TO RESTRICTION REQUIREMENT (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Date:

June 28, 2002

